

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

The Estate of Tony Allen Hoyt, Deceased,
by Kathy Sullivan, Personal Representative, Case No:1:22-cv-1173

Plaintiff,

Honorable

-vs-

Circuit Court No: 22-227-NI

Brittani Rene Strong, Bryan Cook,
and the City of Three Rivers,

Defendants.,

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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN**

TO: United States District Court Judges of the Western District of Michigan

NOW COMES defendant, City of Three Rivers, by and through its attorneys Plunkett Cooney, and pursuant to 28 U.S.C. § 1441(a) and § 1446, file this Notice of Removal based on the following:

1. On or about November 8, 2022, plaintiff filed an amended complaint, adding the City of Three Rivers as a defendant and is now pending in the St. Joseph County Circuit Court, State of Michigan, a certain civil action, assigned case number 22-227-NI in which The Estate of Tony Allen Hoyt, deceased by Kathy Sullivan, Personal Representative is the plaintiff; Brittani Rene Strong and Bryan Cook are named co-defendants; and City of Three Rivers is a named defendant.

2. The action, as alleged in the Complaint, is a suit brought under the statutes and Constitution of the United States and the statutes and Constitution of the State of Michigan. Specifically, the plaintiff alleges a violation of 42 U.S.C. § 12101, denial of access to public services due to disability.

3. The action filed by plaintiff is one which the District Courts of the United States would have original jurisdiction under 28 U.S.C. § 1331 as a civil action arising under the Constitution of the United States.

4. This Notice of Removal is timely filed within thirty days after the City of Three Rivers was served with the Summons and Complaint, via certified mail.

5. Attached to this Notice of Removal is a copy of the Summons and Complaint stating the causes of action and claims for relief by the plaintiff against the defendants.

6. A written notice of this Notice of Removal has been given to all parties as required by law and a Proof of Service is attached.

7. A written notice of this Notice of Removal has been filed with the Clerk of the St. Joseph County Circuit Court, State of Michigan as required by law.

WHEREFORE, the defendants request they be allowed to affect removal of this matter from the St. Joseph County Circuit Court, State of Michigan, to the United States District Court for the Western District of Michigan.

Respectfully submitted,

DATED: December 9, 2022

PLUNKETT COONEY

BY: /s/ Michael S. Bogren
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Attorney for Defendant City of Three Rivers

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